

Suzanne Steab - RE: Citation 10048

From: Karl Houskeeper
To: John Gefferth
Date: 3/15/2010 1:09 PM
Subject: RE: Citation 10048
CC: Dana Dean; Daron Haddock; Ian McClain; Jim Smith; Jimmy Brock; Jona...
Attachments: DSCN1267.JPG; DSCN1268.JPG; DSCN1269.JPG; DSCN1270.JPG; DSCN1271.JPG; DSCN1272.JPG; DSCN1263.JPG; DSCN1264.JPG; DSCN1265.JPG; DSCN1266.JPG; 20100315121655.pdf

John,

Thanks for your reply and concerns.

Pictures were taken during the inspection. The correct reference is R645-301.528.330, specifically R645-301.528.331. The violation (10048) has been modified to depict the omission of the 301 reference. During my inspection there was no residual snow or mud to indicate that snow melt had occurred only a day before. The ground was damp toward the hillside. The area of the violation was focused on the parking area at the main facilities toward the hillside which encompasses the north side of the parking lot.

I spoke with Ian McClain on the afternoon of the issuance of the violation (03/11/2010) and he indicated that the noncoal waste had been gathered. I do plan on verifying that the violation has been abated prior to terminating the violation. The abatement deadline was listed as March 16, 2010.

For your convenience I have attached is a copy of the modified Citation and pictures taken during the inspection.

Thanks,
Karl

>>> "Gefferth, John" <JohnGefferth@consolenergy.com> 3/15/2010 12:07 PM >>>

Karl

Do you have pictures of the area you wrote the violation on??

It was not clear on the citation what the extent of the area was/is.

Also do you have the regulation referenced in the citation, There is not a R645-528.330 regulation in DOGM rules??

If you citation was referring to the small amount of soda cans, fast food cups and paper items in the hourly parking lot.... Please note that the area was covered with 3 to 4 feet of snow for at least 4 weeks and that the day you were there was probably the first day that the hourly parking lot was snow free. When the mine received the citation they were able to clean up the paper in less than 20 minutes. The volume was less than half of a standard trash can.

If the citation is referring to a different area please advise so the mine can take appropriate abatement action prior to your deadline of Tuesday March 16.

I am confident that if you had asked the mine to gather the paper products up that they would have complied prior to the end of your inspection.

In the future if you feel that the mine is unresponsive to your requests, please feel free to contact me prior to leaving the property.

John Gefferth

From: Karl Houskeeper [mailto:KARLHOUSKEEPER@utah.gov]
Sent: Thursday, March 11, 2010 3:15 PM
To: McClain, Ian; Gefferth, John; Behling, Steve; Kirschbaum, Tim
Cc: Dana Dean; Daron Haddock; Jim Smith; OGMCOAL@utah.gov; Suzanne Steab
Subject: Citation 10048

Please find attached Citation 10048. The hard copy is being sent certified return receipt mail 7008 0150 0002 0896 5168.

Thanks,
Karl

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03.11.2010 10:00





**Action Taken on Existing Citation
Utah Coal Regulatory Program**

1594 West North Temple, Salt Lake City, UT 84114
Phone: (801) 538 - 5285 Fax: (801) 359-3940

Action on Citation#: **10048**

Permit Number: **C0150015**

Date Cit. Issued: **03/11/2010**

<input checked="" type="checkbox"/> MODIFICATION of	<input type="checkbox"/> TERMINATION of	<input type="checkbox"/> VACATION of
<input checked="" type="checkbox"/> NOTICE OF VIOLATION	<input type="checkbox"/> CESSATION ORDER (CO)	<input type="checkbox"/> FAILURE TO ABATE CO

Permittee Name: Consolidation Coal Company	Inspector Number and ID: 49 KHOUSKEE
Mine Name: Emery Deep Mine	Date and Time of Action: 03/15/2010 12:30 pm
Certified Return Receipt Number: E-Mailed & Regular Mail	Date and Time of Service: 03/15/2010 1:00 pm

*In accordance with the provisions of the Utah Coal Mining and Reclamation Act,
Utah Code Ann. § 40-10-1 et. seq. (Act), the above referenced Citation is:*

☒ **Modified as follows:**

The violation is being modified to show the correct reference R645-301.528.330 specifically R645-301.528.331.

Reason for modification:

Provisions of Act, regulations or permit violated was listed as R645-528.330. Incomplete reference.

☐ **Terminated because:**

☐ **Vacated because:**

JOHN GEFFERTH

(Print) Permittee Representative

E-mailed & Mailed 3/15/10

Permittee Representative's Signature - Date

KARL HOUSKEEPER

(Print) DOGM Representative

Karl B. Houskeeper 3/15/10

DOGM Representative's Signature - Date

Refer to the "Citation For Non-Compliance" for additional information